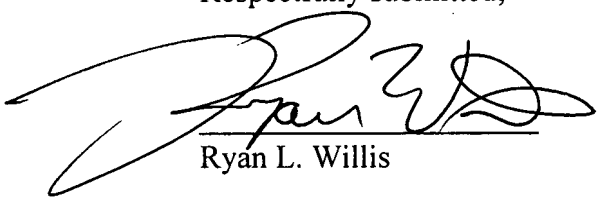
Each of claims 38-41 and 43 includes limitations requiring the selection of a next interactive advertising message based upon the feedback received from the consumer and providing the next advertising message. The bottom line is that none of the three references cited disclose these limitations. For this reason alone, claims 38-41 and 43 are in condition for allowance.

If one were to presume for arguments sake that the three references in toto disclose each of the recited limitations of claims 38-41 and 43, there is no indication in any Office action addressing Appellants' argument that McIntyre teaches away from Appellants' claimed invention. McIntyre explicitly identifies as one of his objectives *not* substantively contacting the advertiser.[48] How then could it be alleged that such a disclosure is consistent with Appellants' claims or objectives recited in the disclosure of the instant invention? Appellants are unaware of any substantive answer to this question proffered in any prior correspondence from the Office.

In light of the foregoing, it is respectfully submitted that claims 38-41 and 43 are in condition for allowance. The three reference cited against these claims do not disclose each and every one of the claimed limitations and, even if the combination did, McIntyre teaches away from Appellants' claims rendering such a combination impermissible. Thus, Appellants request reversal of the 35 U.S.C. § 103(a) ground of rejection as applied to claims 38-41 and 43.

Respectfully submitted,



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[48] U.S. Patent App. Pub. No. 2003/0191690 to McIntyre, ¶ [0043].